

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

**Case No. CV 24-10546-MWF (BFMx)**

**Date: February 25, 2025**

Title: Stephen Chapman v. Horace Mann Property and Casualty Insurance Company

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Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:

Rita Sanchez

Court Reporter:

Not Reported

Attorneys Present for Plaintiff:

None Present

Attorneys Present for Defendant:

None Present

**Proceedings (In Chambers):** AMENDED ORDER DENYING PLAINTIFF'S EX PARTE MOTION FOR EQUITABLE TOLLING AND REMAND [23]

Before the Court is an Ex Parte Motion for Equitable Tolling and Remand (the “Motion”) filed by Plaintiff Stephen Chapman on February 18, 2025. (Docket No. 23). On February 24, 2025, Defendant Horace Mann Property & Casualty Insurance Company filed an Opposition. (Docket No. 25).

The Motion is **DENIED**. Plaintiff has not established that he is entitled to expedited relief.

An ex parte application is a “means of obtaining extraordinary relief and is appropriate only in rare circumstances.” *Santos v. TWC Admin. LLC*, No. CV 13-04799-MMM (CWx), 2014 WL 12703021, at \*1 (C.D. Cal. Sept. 15, 2014) (citing *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995)). To prevail on its ex parte application, a party must show: (i) that they “will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures” and (ii) that they are “without fault in creating the crisis that requires ex parte relief, or that the crisis occurred as a result of excusable neglect.” *Mission Power*, 883 F. Supp. at 492.

This is the second ex parte motion filed by Plaintiff in the last month. (See Docket No. 11 (“Prior Motion”)). As with the Prior Motion, Plaintiff has not attempted to explain why this Motion cannot be filed and heard according to regular

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noticed motion procedures. (*See* Docket No. 17 (“Prior Order”) at 4). And the Court cannot otherwise identify anything in the Motion necessitating relief on an expedited basis. At bottom, Plaintiff is seeking remand of the action to state court and sanctions against Defendant for alleged fraudulent actions. (*See generally* Motion). Plaintiff has thus failed to establish irreparable prejudice absent emergency relief.

Plaintiff also requests clarification on the status of Rule 26 obligations. As explained in the Prior Order, the Court granted Plaintiff’s request to extend the deadline to file the Rule 26(f) report. (Prior Order at 5–6). The deadline to submit a joint Rule 26(f) Report is now on March 3, 2025. Plaintiff must work with Defendant to submit a joint Rule 26(f) Report.

Accordingly, the Motion is **DENIED**.

IT IS SO ORDERED.

Parties in court without a lawyer are called “*pro se* litigants.” These parties often face special challenges in federal court. Public Counsel runs a free Federal Pro Se Clinic where *pro se* litigants can get information and guidance. The Clinic is located at the Roybal Federal Building and Courthouse, 255 East Temple Street, Los Angeles, CA 90012. *Pro se* litigants must call or submit an on-line application to request services as follows: on-line applications can be submitted at <http://prose.cacd.uscourts.gov/los-angeles>, or call (213) 385-2977, ext. 270.